

## **II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and following remarks are herein respectfully requested.

Upon entry of the above amendments, Claims 9-19 remain pending. Claims 1-8 were previously cancelled in a preliminary amendment. Claims 9, 13, 15, and 16 are amended.

### *Claim Objections*

Pending Claims 15 and 16 stand objected to by the Examiner due to the informality of using the term “obtainable”. The Examiner has suggested that the term “obtainable” be replaced with the term “obtained”. Applicants have amended Claims 15 and 16 to replace the term “obtainable” with the term “obtained” as suggested by the Examiner. Accordingly, it is believed that these objections are now moot and should be withdrawn.

### *Claim Rejections under 35 U.S.C. §102(b)*

Pending Claims 9-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,494,948 to Nishio et al. (“Nishio”). Applicants respectfully traverse this rejection.

Responsive to this rejection, the cited reference, alone or in combination fails to teach each and every element of the claimed invention as recited in the claims of the present application as filed. Nishio fails to disclose a polypropylene composition that is substantially free of or absent the presence of peroxide. Rather Nishio purposely adds peroxide to the propylene resin composition (col. 3, lines 20-23, col.

3, lines 30-35, Example 1 – col. 5, lines 55-57). Furthermore, the propylene resin composition of Nishio includes a significant amount of mica treated with an organosilane compound (Claim 1). One skilled in the art of polymers will realize that the addition of mica will change or alter the properties exhibited by the formulated resin. Nishio also fails to disclose the use of a maleimide oligomer derivative with a base or the use of a maleimide oligomer derived from biscitraconic acid. Rather Nishio only discloses the use of a simple bismaleimide compound (col. 2, lines 54-67, Formula I, Claim 1).

The Applicants have amended independent Claims 9 and 13 to clarify that the presence of peroxides in the polypropylene composition is not necessary or desirable. More specifically, the Applicants have amended Claims 9 and 13 to state that the polycarbonate composition is substantially free of or absent the presence of any peroxides. Support for the amendments made to Claims 9 and 13 are found in paragraphs [0007] and [0009] of the present application. Since these amendments are well supported by the present application, they do not represent the addition of any new matter.

It is respectfully submitted that Nishio fails to disclose all of the elements of independent Claim 9 or independent Claim 13 as amended. The Applicants believe that independent Claims 9 and 13 as amended are allowable for the reasons cited above. Since dependent Claims 10-12 depend directly or indirectly from amended Claim 9 and dependent claim 14 depends directly from amended Claim 13, it is submitted that these claims are allowable for at least the same reason as amended Claims 9 and 13. Favorable reconsideration of amended Claims 9 and 13, as well as their dependent Claims 10-12 and 14 is respectfully requested.

*Claim Rejections under 35 U.S.C. §102(e)*

Pending Claims 9-10, 13-14, and 17-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0242779A1 to Cai et al. ("Cai"). Applicants respectfully traverse this rejection.

Responsive to this rejection, the cited reference, alone or in combination fails to teach each and every element of the claimed invention as recited in the claims of the present application as filed. Cai fails to disclose a polypropylene composition comprised of polypropylene reacted with a maleimide oligomer derivative. Rather Cai discloses a thermoplastic elastomeric blend of a propylene resin with diene-containing polymers, multifunctional acrylates or maleimides, and a free radical initiator (Claim 1). The propylene resin in Cai is only present in the elastomeric blend in an amount preferably ranging from about 12% to 55% (paragraph 0027). One skilled in the art of polymer science will fully appreciate the differences in composition and properties associated with the polypropylene composition of the present application and the elastomeric blend of Cai.

Cai further fails to disclose a polypropylene composition that is substantially free of or absent the presence of any peroxides. Rather in Cai, the free radical initiator is defined to preferably be one or more organic peroxides (paragraph 0035, Claim 10). Thus Cai purposely adds peroxide to the thermoplastic elastomeric blend.

As describe above with respect to Nishio, the Applicants have amended Claims 9 and 13 to more clearly state that the polypropylene composition of the present application is substantially free of or absent the presence of any peroxides. It is respectfully submitted that Cai fails to disclose all of the elements of independent

Claim 9 or independent Claim 13 as amended. The Applicants believe that independent Claims 9 and 13 as amended are allowable for the reasons cited above.

Since dependent Claim 10 depends directly from amended Claim 9 and dependent Claims 14 and 17-18 depend directly or indirectly from amended Claim 13, it is submitted that these claims are allowable for at least the same reason as amended Claims 9 and 13. Favorable reconsideration of amended Claims 9 and 13, as well as their dependent Claims 10, 14, and 17-18 is respectfully requested.

*Claim Rejections under 35 U.S.C. §102(b)/103(a)*

Pending Claims 15-16 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Nishio. Applicants respectfully traverse this rejection.

Responsive to this rejection, the cited reference, alone or in combination fails to teach or suggest each and every element of the claimed invention as recited in the claims of the present application as filed. As previously described above with respect to amended independent Claims 9 and 13, Nishio does not disclose the invention substantially as claimed by the Applicants. Nishio fails to disclose a polypropylene composition that is substantially free of or absent the presence of any peroxides. In fact, Nishio teaches away from the polypropylene composition of the present application by requiring the addition of peroxides to the propylene resin composition (col. 3, lines 20-23, col. 3, lines 30-35, Example 1 – col. 5, lines 55-57).

Since Nishio specifically requires the addition of peroxides and the addition of mica, the process by which the polypropylene composition is made in Nishio is not substantially identical to the process described by the Applicants in which the polypropylene composition is substantially free of any peroxides. One skilled in the

art of polymer science will know that the properties exhibited by the polypropylene resin composition made by the process in Nishio will be different that the properties exhibited by the polypropylene composition made by the process of the present application.

As describe above, the Applicants have amended Claims 9 and 13 to more clearly state that the polypropylene composition of the present application is substantially free of or absent the presence of peroxides. The Applicants have also amended Claims 15 and 16 to provide further clarification that the polypropylene composition is substantially free of or absent the presence of peroxides. Support for the amendments made to Claims 15 and 16 are found in paragraphs [0007] and [0009] of the present application. Since these amendments are well supported by the present application, they do not represent the addition of any new matter.

Since amended Claims 15 and 16 depend directly or indirectly from amended Claim 13, it is submitted that these amended claims are allowable for at least the same reasons as amended Claim 13. Favorable reconsideration of dependent Claims 15 and 16 as amended is respectfully requested.

Pending Claims 15, 16, and 19 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Cai. Applicants respectfully traverse this rejection.

Responsive to this rejection, the cited reference, alone or in combination fails to teach or suggest each and every element of the claimed invention as recited in the claims of the present application as filed. As previously described above with respect to amended independent Claims 9 and 13, Cai does not disclose the invention substantially as claimed by the Applicants. Cai fails to disclose a polypropylene composition comprised of polypropylene reacted with a maleimide

oligomer derivative. Rather Cai discloses a thermoplastic elastomeric blend of a propylene resin with diene-containing polymers, multifunctional acrylates or maleimides, and a free radical initiator (Claim 1). Cai further fails to disclose a polypropylene composition that is substantially free of or absent the presence of any peroxides. In fact, Cai teaches away from the polypropylene composition of the present application by requiring the addition of peroxides to the elastomeric blend as a free radical initiator (paragraph 0035, Claim 10).

Since Cai specifically requires the addition of peroxides and the addition of diene-containing polymers, the process by which the thermoplastic elastomeric blend is made in Cai is not substantially identical to the process described by the Applicants in which the polypropylene composition is substantially free of any peroxides. One skilled in the art of polymer science will know that the properties exhibited by the elastomeric blend made by the process in Cai will be different than the properties exhibited by the polypropylene composition made by the process of the present application.

As describe above, the Applicants have amended Claims 9 and 13 to more clearly state that the polypropylene composition of the present application is substantially free of or absent the presence of peroxides. The Applicants have also amended Claims 15 and 16 to provide further clarification that the polypropylene composition is substantially free of or absent the presence of peroxides. Since dependent Claims 15, 16, and 19 depend directly or indirectly from amended Claim 13, it is submitted that these claims are allowable for at least the same reasons as amended Claim 9. Favorable reconsideration of dependent Claims 15, 16, and 19 is respectfully requested.

*Conclusion*

Since the amendments made to the specification are well supported by the original specification and claims, the amendments do not represent the addition of any new matter.

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned agent at 734-302-6007 or Lawrence G. Almeda (Reg. No. 46,151) at 734-302-6019.

Respectfully submitted,

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Date

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